PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 252.225–7026 is amended by revising the clause date and the introductory text of paragraph (a)(3); by redesignating paragraphs (d)(i), (d)(ii), and (d)(iii) as paragraphs (d)(1), (d)(2), and (d)(3), respectively; and by revising paragraph (c)(1). The revised text reads as follows:

252.225–7026 Reporting of Contract Performance Outside the United States.

* * * * *

REPORTING OF CONTRACT PERFORMANCE OUTSIDE THE UNITED STATES (XXX 19XX)

(a) * * *

(3) Contracts exceeding $500,000, when any part that exceeds the simplified acquisition threshold in Part 2 of the Federal Acquisition Regulation will be performed outside the United States, unless a foreign place of performance is—

* * * * *

(c) * * *

(1) The Contractor shall include a clause substantially the same as this one in all first-tier subcontracts exceeding $500,000, except subcontracts for commercial items, construction, ores, natural gases, utilities, petroleum products and crudes, timber (logs), or subsistence.

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[FR Doc. 97–27437 Filed 10–16–97; 8:45 am]
BILLING CODE 5000–04–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Atlantic Sturgeon (Acipenser oxyrhinchus oxyrhinchus) in the United States as Endangered or Threatened

AGENCY: Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of 90-day petition finding and request for information.

SUMMARY: The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively the ''Services'') announce a 90-day finding for a petition to add the Atlantic sturgeon (*Acipenser oxyrhinchus oxyrhinchus*), where it continues to exist in the United States, to the List of Threatened and Endangered Wildlife and to designate critical habitat. The Services find that the petition presents substantial information indicating that the petitioned action to list Atlantic sturgeon may be warranted. The Services are now initiating a status review to determine whether listing of the Atlantic sturgeon in its North American range, including Atlantic Canada, is warranted, and to prepare a 12-month finding. To assure that the review is comprehensive, the Services are soliciting information and data on this species.

DATES: The finding announced in this document was made on October 2, 1997. Comments and materials related to this petition finding must be submitted to National Marine Fisheries Service, Northeast Region, Habitat and Protected Resources Division, at the **ADDRESS** below, by December 16, 1997, to be considered in the 12-month finding.

ADDRESSES: Information, comments or questions concerning the Atlantic sturgeon petition should be submitted to Christopher Mantzaris, Chief, Habitat and Protected Resources Division, National Marine Fisheries Service, One Blackburn Drive, Gloucester, Massachusetts 01930. The petition, finding, supporting data, and comments are available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mary Colligan (508–281–9116) or Ray Santos (508–281–9103) at the above address, or Anne Hecht of the U.S. Fish and Wildlife Service (508-443–4325).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. 1531–1544) requires that the Services make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, the Services are required to commence a status review of Atlantic sturgeon and to disclose their findings within 12 months of receipt of the petition (12-month finding).

On June 2, 1997, a petition dated May 29, 1997, was received by the Services from the Biodiversity Legal Foundation. The petitioner requested the Services to list Atlantic sturgeon, in the United States where it continues to exist, as threatened or endangered and to designate critical habitat within a reasonable period of time following the listing. The petitioner submitted biological, distributional, and historical information on Atlantic sturgeon populations and identified potential threats including commercial fishing (directed and incidental), river damming, habitat loss, and water quality. Also, the petitioner cited scientific references in support of the petition.

There are two subspecies of Atlantic sturgeon. The first subspecies, *Acipenser oxyrhinchus desotoi*, known as Gulf sturgeon, occurs from the Mississippi River to Tampa Bay, Florida. This subspecies was listed in 1991 as threatened under the ESA. The petition and this finding address the second subspecies, *Acipenser oxyrhinchus oxyrhinchus*, known as the Atlantic sturgeon, which is distributed in the western North Atlantic from Hamilton Inlet, Labrador, south to the St. Lucie River, Florida.

Atlantic sturgeon are anadromous fish that may live up to 60 years, reach lengths of up to 4 meters (m) (14 feet (ft)), and weigh over 363 kilograms (kg) (800 pounds (lb)). They are distinguished by armor-like plates and a long protruding snout. Ventrally located on the snout is a protruding mouth with four barbels crossing in front. Sturgeon are omnivorous benthic feeders eating opportunistically and filtering quantities of mud along with their food. Adult sturgeon diets include mollusks, gastropods, amphipods, isopods, and fish. Juvenile sturgeon feed on aquatic insects and other invertebrates.

Depending on geographic location and sex, sturgeon reach sexual maturity at different ages. Males tend to reach maturity faster than females and the average age of maturity for both males and females increases with increasing latitude along the Atlantic coast. Age at sexual maturity for males ranges from 5 to 24 years, and for females, from 7 to 30 years (ASMFC 1990). Sexually mature sturgeon begin their spawning run as early as March (in the southern Atlantic coast) and as late as July (in the higher latitudes). Spawning occurs in flowing fresh or estuarine waters with a hard bottom, where the extremely adhesive eggs stick together in clusters. After hatching, juveniles may remain in

fresh/estuarine waters for several years. Juveniles then head seaward to grow to maturity and join the adult migration run which can range many miles away from their home rivers.

Historical records from the early 1800s document large numbers of sturgeon in many river systems along the Atlantic coast. It does not appear that the historical range has been reduced significantly; however, remnant populations in some river systems, if not extirpated, are quite small. Systems presently known to support reproducing populations are the Hudson River in New York, the Ashepoo-Combahee-Edisto River system in South Carolina, and the Altamaha and Savannah rivers in Georgia (ASMFC 1997). In the Hudson River, numbers of juvenile sturgeon were estimated at less than 5,000 during 1994, an 80 percent decline from the 25,000 juveniles believed to have been in the Hudson during the 1970s (New York State Department of Environmental Conservation 1996). Recent documentation of gravid females and/or young of the year exists for the Delaware River (DE), James River (VA), Roanoke/Chowan and Cape Fear rivers (NC), and Santee/Cooper rivers (SC) (W. Laney, USFWS, pers. comm., 1997). Additional research is needed to determine the extent of reproduction, if any, in these rivers.

Both commercial fishing and incidental take may have a substantial effect on Atlantic sturgeon. Commercial fishing is frequently cited as a major reason for the species' decline. Historical commercial landings provide the only long-term estimates of stock abundance; unfortunately, Atlantic and shortnose sturgeon were probably not differentiated in those records. Annual commercial harvest levels reached approximately 3 million kg (7 million lb) at the end of the nineteenth century. Since that time, a severe decline took place with annual United States commercial landings not exceeding 136,000 kg (300,000 lb) (ASMFC 1990). In addition to directed commercial fishing for sturgeon, incidental catches of juvenile and adult sturgeon in State and Federal waters are frequently reported as having a substantial impact on stocks. Coast-wide, the 1987 incidental catch exceeded the directed catch (ASMFC 1990). Current information indicates that Atlantic sturgeon are taken incidentally in every commercial type of fishing gear.

Prior to 1990, commercial landings averaged between 91,000 and 136,000 kg (200,000 and 300,000 lb) per year. In 1990, the Atlantic States Marine Fisheries Commission (ASMFC), developed an Interstate Fishery Management Plan for Atlantic sturgeon regulating harvest and initiated a coordinated stock assessment from Maine to Florida. The goal of the plan is to provide framework for the restoration of Atlantic sturgeon to fishable abundance throughout its range. The plan recommended that the states control harvests by adopting either—(1) A minimum length of 2.4 m (7 ft); (2) a moratorium on all harvest; or (3) alternative measures determined to be conservationally equivalent. Coast-wide landings fell to less than 45,000 kg (100,000 lb) by 1994; but in 1996, the ASMFC determined that the current harvest levels were still too large for stock recovery. Subsequently, all but two states have banned harvest and those (Delaware and Connecticut) have reported no landings. Currently, the ASMFC is considering an amendment to the plan to institute a coast-wide moratorium. Due to the current low levels of abundance, long life cycle, and sporadic spawning, a moratorium would likely have to last decades to allow stock recovery.

Other threats to Atlantic sturgeon and their habitat include habitat loss and degradation, and disease. Dams, mostly constructed during the 1800s, destroyed riverine habitat and impeded access to upstream areas, and may have played a role in the historic decline of this species. Biologists also suspect that siltation and water pollution may be factors in recent sturgeon reproduction declines, but the extent is unknown (R. St. Pierre, USFWS, pers. comm., 1997). Transportation of white sturgeon to the Atlantic coast for the pet trade may cause genetic and health impacts (disease) to Atlantic sturgeon if released into the wild (Laney, pers. comm., 1997).

The Services have determined that the petitioners have adequately presented information about the status, distribution, and abundance of Atlantic sturgeon, in addition to having identified potential threats to the species in the United States. After review of the petition and information available within the agencies' records, the Services find that substantial information has been presented to indicate that the petitioned action to list the Atlantic sturgeon may be warranted. A status review will now be conducted on the Atlantic sturgeon in North America, including Atlantic Canada. While the petition was limited to U.S. populations of sturgeon, the Services have decided to expand their review to encompass the entire North American range. Existing information indicates Atlantic sturgeon undertake long migrations and therefore a broader scope is required to understand stock structure throughout its range.

Within one year from the date the petition was received, a finding will be made as to whether listing the Atlantic sturgeon is warranted, as required by section 4(b)(3)(B) of the ESA. The petitioner also requested that critical habitat be designated. If the 12-month finding determines that the petitioned action to list the Atlantic sturgeon as threatened or endangered is warranted, then the designation of critical habitat would be addressed at that time.

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be threatened or endangered for any one of the following reasons—(1) Present or threatened destruction, modification, or curtailment of habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Listing determinations are made solely on the best scientific and commercial data available.

Information Solicited

To ensure that the status review is complete and based on the best available scientific and commercial data, the Services are soliciting information concerning the following—(1) Current and historical abundance and distribution of Atlantic sturgeon; (2) existence and viability of reproducing populations; (3) threats to the species and its habitat (fresh, estuarine, and marine); (4) ongoing efforts to protect Atlantic sturgeon and their habitat; and (5) whether or not any population is threatened or endangered based upon the above listing criteria. The Services request that data, information, and comments be accompanied by—(1) Supporting documentation such as maps, bibliographic reference, or reprints of pertinent publications; and (2) the person's name, address, and any association, institution, or business that the person represents. Such information may be submitted to the above address.

References Cited

ASMFC Fisheries Focus. 1997. Species profile: Atlantic Sturgeon. Atlantic States Marine Fisheries Commission, Vol. 6, Iss. 3: pp. 4–7.

ASMFC Draft Public Information Document. 1996. Amendment 1 to the Fishery Management Plan for Atlantic Sturgeon. Pp. 1–9.

ASMFC Fisheries Management Report No. 17. 1990. Fishery Management Plan for Atlantic Sturgeon. Atlantic States Marine Fisheries Commission, Nov. 1990. 73 pp.

New York State Department of Environmental Conservation. 1996. DEC Announces Emergency Moratorium on Atlantic Sturgeon. News Release dated March 22, 1996.

List of Subjects

50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 29, 1997.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

Dated: October 2, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–27547 Filed 10–16–97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE36

Endangered and Threatened Wildlife and Plants; Proposed Rule to List Three Aquatic Snails as Endangered, and Three Aquatic Snails as Threatened in the Mobile River Basin of Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of petition findings.

SUMMARY: The Fish and Wildlife Service (Service) proposes to list the cylindrical lioplax (*Lioplax cyclostomaformis*), flat pebblesnail (*Lepyrium showalteri*), and plicate rocksnail (*Leptoxis plicata*) as endangered; and the painted rocksnail (*Leptoxis taeniata*), round rocksnail (*Leptoxis ampla*), and lacy elimia (*Elimia crenatella*) as threatened species under the authority of the Endangered Species Act of 1973, as amended (Act). These aquatic snails are found in localized portions of the Black Warrior, Cahaba, Alabama, and Coosa rivers or their tributaries in Alabama. Impoundment and water quality degradation have eliminated the six snails from 90 percent or more of their historic habitat. Surviving populations are currently threatened by pollutants such as sediments and nutrients that wash into streams from the land surface. This proposed rule, if made final, would extend the Act's protection to these six snail species.

DATES: Comments from all interested parties must be received by December 16, 1997. Public hearing requests must be received by December 1, 1997.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Hartfield at the above address, or telephone 601/965–4900, Ext. 25.

SUPPLEMENTARY INFORMATION:

Background

The Mobile River Basin (Basin) historically supported the greatest diversity of freshwater snail species in the world (Bogan *et al.* 1995), including six genera and over 100 species that were endemic to the Basin. During the past few decades, publications in the scientific literature have primarily dealt with the apparent decimation of this fauna following the construction of dams within the Basin and the inundation of extensive shoal habitats by impounded waters (Goodrich 1944, Athearn 1970, Heard 1970, Stein 1976, Palmer 1986, Garner 1990).

In 1990, the Service initiated a status review of the endemic freshwater snails of the Basin. An extensive literature survey identified sources of information on taxonomy, distribution, ecology, and status of the fauna and was used to assemble a checklist of the Basin's snails and their distributions (Bogan 1992). Field surveys and collections were made for snails and other freshwater mollusks throughout the Basin (Bogan and Pierson, 1993a,b; McGregor *et al.* 1996; Service Field Records, Jackson, Mississippi 1989–1996; Bogan *in litt.* 1995; M. Pierson Field Records, Calera, Alabama, *in litt.* 1993–1994; J. Garner, Alabama Department of Conservation, pers. comm. 1996; J. Johnson, Auburn University, *in litt.* 1996).

Bogan *et al.* (1995) summarized the results of their efforts noting the apparent extinction of numerous snail species in the Coosa and Cahaba River drainages, and the imperiled state of many other aquatic snails in the Basin.

The taxonomy used in this proposal follows Burch (1989), which relies almost exclusively on shell morphology. Many of the Basin's freshwater snail species, particularly in the family Pleuroceridae, are known to exhibit marked clinal variation (gradual change in characters of a species that manifests itself along a geographic gradient) in shell form, some of which has been described as environmentally induced (e.g., Goodrich 1934, 1937). Four of the six species considered in this proposal belong to the family Pleuroceridae and their relationships to each other, as well as to other Pleuroceridae, are poorly understood. In order to better document taxonomic relationships among these snails, a genetic study was conducted during the status review of a select group of the Basin's Pleuroceridae (Lydeard *et al.* 1997). The four snails within this family considered herein (lacy elimia, round rocksnail, plicate rocksnail, and painted rocksnail) were included in the genetic study. This study supported their current taxonomic status (Lydeard *et al.* 1997).

The cylindrical lioplax (*Lioplax cyclostomaformis* (Lea 1841)) is a gill-breathing snail in the family Viviparidae. The shell is elongate, reaching about 28 millimeters (mm) (1.1 inches (in)) in length. Shell color is light to dark olivaceous-green externally, and bluish inside of the aperture (shell opening). The cylindrical lioplax is distinguished from other viviparid snails in the Basin by the number of whorls, and differences in size, sculpture, microsculpture, and spire angle. No other species of lioplax snails are known to occur in the Mobile Basin (see Clench and Turner 1955 for a more detailed description).

Habitat for the cylindrical lioplax is unusual for the genus, as well as for other genera of viviparid snails. It lives in mud under large rocks in rapid currents over stream and river shoals.

Other lioplax species are usually found in exposed situations or in mud or muddy sand along the margins of rivers. Little is known of the biology or life history of the cylindrical lioplax. It is believed to brood its young and filter-feed, as do other members of the Viviparidae. Life spans have been reported from 3 to 11 years in various species of Viviparidae (Heller 1990).

Collection records for the cylindrical lioplax exist from the Alabama River (Dallas County, Alabama), Black Warrior River (Jefferson County, Alabama) and tributaries (Prairie Creek, Marengo County, Alabama; Valley Creek, Jefferson County, Alabama), Coosa River